

Notice of Allowability

Application No.

09/529,990

Examiner

Alicia Chevalier

Applicant(s)

NAKAMA ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed December 31, 2003.
2. ☒ The allowed claim(s) is/are 1-12, 17 and 18.
3. ☒ The drawings filed on 19 August 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 02092004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with L. Raul Tamayo on February 10, 2004.

In the abstract delete the second paragraph.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The base claim is claim 1.

It can be summarized as follows:
 1. A multilayer substrate comprising
 - a substrate
 - two or more superposed layers comprising
 - o an organopolysiloxane
 - weight proportion of an organic functional group in the organopolysiloxane ranges from 20 to 60% by weight
 - o outermost layer has projections
 - dispersion of height of 1 μ m or less.

The closest prior art found can be summarized as follows:

Art Unit: 1772

Andrus (US Patent No. 5,212,596) discloses a nonreflective article comprising an outer layer with angle projections, an inner layer, and a substrate (*figure 3*). Both the outer layer and inner layer preferably comprise silicone (*col. 5, lines 5-10*), which is deemed to be an organopolysiloxane. The height of the projections is less than 250 microns (*col. 6, lines 36-37*).

Andrus fails to teach or suggest that the recited weight proportion of an organic functional group in the organopolysiloxane ranges from 20 to 60% by weight.

Tomono et al. (US Patent No. 5,377,044) discloses a diffraction grating device comprising a transparent protective substrate, an adhesive layer, a silicon oxide layer, a light reflecting film, and a thin relief type resin pattern layer (*figure 2*). The resin pattern layer is silicone (*col. 2, lines 55-65*), which is deemed to be an organopolysiloxane. The adhesive layer is a silicone flexible adhesive (*col. 4, lines 34-36 and col. 7, lines 10-11*), which is deemed to be an organopolysiloxane. The resin pattern layer comprises angular grooves with a depth of 0.12 μm (*col. 6, line 58*).

Tomono fails to teach or suggest that the recited weight proportion of an organic functional group in the organopolysiloxane ranges from 20 to 60% by weight.

In sum, the prior art of record fails to teach or suggest a multilayer-coated substrate having all the features of the base claim.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1772

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

2/13/04




SANDRA M. NOLAN
PRIMARY EXAMINER